

**STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT**

Michael Parsons, et al.,

Petitioners,

v.

State of Washington, Department of  
Social and Health Services, et al,

Respondents.

NO. 04-2-04086-8 SEA

ORDER DENYING MOTION TO  
JOIN ADDITIONAL PARTIES AND  
REQUEST FOR A VIEW IN THE  
FORM OF INTRODUCTIONS TO  
PETITIONERS  
[Proposed]

This matter came before the Court on March 18, 2004 on the Petitioners Motion to Join Additional Parties and their separate Motion For A View In the Form of Introductions To Petitioners. Petitioners were represented by Michael L. Johnson and James R. Hardman of the firm Hardman and Johnson, Attorneys at Law. Respondents were represented by William L. Williams, Senior Assistant Attorney General and Edward J. Dee, Assistant Attorney General.

The Court, having reviewed the pleadings filed by the parties, reviewed the file herein and having heard the argument of counsel, now enters the following Orders.

**I. MOTION TO JOIN ADDITIONAL PARTIES**

This motion is in essence a motion to amend the pleadings by adding new parties. As a general rule, amendment of the pleadings is to be freely allowed. CR 15(a). However,

1 where the proposed pleading as amended is facially deficient as a matter of law, the Court has  
2 discretion to deny the amendment. *Shelton v. Azar*, 90 Wn. App. 923, 928, 954 P.2d 352  
3 (1998). To invoke the provisions of the Vulnerable Adult Act, a petitioner must show  
4 evidence of conduct constituting actual abuse, and Petitioners have not made such a showing  
5 with respect to the eight persons that they wish to join as additional petitioners. The only  
6 “abuse” that is alleged is that they are at risk of harm as a result of being involuntarily  
7 relocated from Fircrest School to another Residential Habilitation Center (RHC) by DSHS  
8 pursuant to its authority under RCW 71A.20 and pursuant to legislative directive. Here, such  
9 alleged risk associated with involuntary relocation required by an act of the legislature does  
10 not constitute the kind of abuse contemplated by the Vulnerable Adult Act, RCW 74.34, and  
11 therefore the proposed amended complaint would be deficient as a matter of law.  
12 Accordingly, the Motion to Join Additional Petitioners should be denied.

## 13 **II. REQUEST FOR A VIEW IN THE FORM OF INTRODUCTIONS TO** 14 **PETITIONERS**

15 Petitioners have requested the Court to visit Petitioners, some of whom have been  
16 moved to Rainier School, for the purposes of being introduced to them. Petitioners analogize  
17 their request to a jury view which is conducted to enable fact finders to have a better  
18 understanding of the location of the events that are being described to them in a trial.  
19 However, unlike a jury view, Petitioners request that this view be “enabled” by Dr. Singh, the  
20 Superintendent at Fircrest School and a Respondent in this proceeding, and that it be  
21 conducted not for the purpose of taking evidence and without counsel present. It is difficult to  
22 imagine how such an introduction can be accomplished without crossing the line into an  
23 impermissible ex parte contact with one or more of the Petitioners and/or Respondents. In  
24 addition, Respondents have always agreed that Petitioners come within the definition of  
25 vulnerable adults contained in chapter 74.34 RCW, and that all have very significant, lifelong

1 developmental disabilities. Thus a view would add little to what has already been  
2 acknowledged by the parties and made known to the Court.

3 Accordingly, the Request for a View should be denied, albeit without prejudice to a  
4 further request at a later date if the Court is persuaded that such a visit will enable the Court to  
5 resolve factual issues in the case, or otherwise serve “to secure the just, speedy and  
6 inexpensive determination” (CR 1) of this action.

7 THEREFORE, IT IS HEREBY ORDERED the Motion To Join Additional Petitioners  
8 be and hereby is DENIED.

9 IT IS FURTHER ORDERED the Request For View In The Form Of Introductions To  
10 Petitioners be and hereby is DENIED.

11 Dated this 25th day of March, 2004.

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Julie Spector, Judge  
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